

## **REMARKS**

### **Amendments**

Claim 1 is amended to incorporate the recitation of claim 2, now cancelled. New claims 12-21 are directed to further aspects of applicants' invention. See, e.g., page 8, lines 4-17 and the original claims.

The specification is amended to correct typographical errors and to provide a description of drawing reference numerals 219. Also, the specification is amended to insert the heading, "Brief Description of the Drawings." Support for the amendments to page 8 can be found in original claims 4 and 10.

### **AT 399,214**

Enclosed is a copy of AT 399,214, listed in the Information Disclosure Statement filed October 21, 2001. As mentioned in the Information Disclosure Statement, this document was cited in a communication from a foreign patent office in a counterpart foreign application. The French Search Report, which was filed with the October 21, 2001 Information Disclosure Statement, characterized the document as a "Y" reference and the Search Report refers to "le document en entire," i.e., the entire document.

### **Declaration**

U.S. provisional application Serial No. 60/186,300 is directed to a process for conversion of hydrocarbons using a catalyst with controlled activity. The priority benefit of Serial No. 60/186,300 is claimed in Serial No. 09/790,873 (now US 6,569,318) and Serial No. 10/370,471.

Withdrawal of the objection is respectfully requested.

### **Drawings**

Submitted herewith are new proposed drawings, i.e. Figures 1-5. New Figure 1 is labeled "Prior Art." The specification is amended above to provide a description of element 219. This description is self-evident from the description in the specification of element 206. In addition, new Figure 5 includes reference numerals 201 and 210.

Withdrawal of the objection is respectfully requested.

### **Specification**

In the Preliminary Amendment filed August 31, 2001, applicants submitted a new Abstract which did not state "Figure 2 to be published." Also, the specification is amended above to insert the heading "Brief Description of the Drawings." Withdrawal of the objection is respectfully requested.

### **Objection to Claim 9**

Claim 9 refers to a ratio, not a percentage. Withdrawal of the objection is respectfully requested.

### **Rejection Under 35 USC §103**

Claims 1-11 are rejected under 35 U.S.C. §103 in view of Martin (US 5,216,966) in combination with Martin et al. (WO 97/43032). This rejection is respectfully traversed.

US '966 lists French application No. 91.00546 as its priority document. This French application issued as French patent No. 2,671,855, which is discussed in applicants' specification. See, e.g., page 1, lines 27-29, page 2, lines 23-26, and page 3, lines 24-25. WO '032 lists French application No. 96.05886 as its priority document. This French application issued as French patent No. 2,748,402, which is also discussed in applicants' specification. See, e.g., page 2, lines 7-13, page 5, line 30, page 6, lines 6-10, and page 7, lines 24-26.

US '966 discloses a heat-generating plant wherein heat is generated from the combustion fuels that contain sulfur. The plant comprises a combustion chamber, a convective heat exchange zone, and a desulfurization chamber. The desulfurization chamber is in fluid communication with the convective heat exchange zone and has an absorbent injection means. The absorbent used is essentially a regeneratable magnesian absorbent which is used to remove sulfur oxides from the fumes by adsorption.

The plant further comprises means for regenerating spent absorbent, using reducing agents, comprising at least a first outlet for regeneration gases and a second outlet for the regenerated solids. The latter can be connected to an intermediate storage means or can be connected to the desulfurization chamber.

US '966 does not disclose a process involving a desulphurization chamber which has

a peripheral zone for recycling adsorbent, an intermediate desulphurization zone into which fumes enter tangentially, and/or a central zone for evacuating fumes.

WO '032 discloses an apparatus for cleaning the fumes of an incineration plant which comprises two reactors and an adsorbent injection means for injecting adsorbent into the first reactor. The plant is particularly suitable for de-chlorination of incineration fumes. See, e.g., page 3, lines 24-30. See also applicants' specification at page 2, lines 8-13.

The rejection does not set forth any motivation as to why one of ordinary skill in the art would seek to modify a desulphurization process such as described by US '966 in light of the process/system described by WO '032, a process which is used for de-chlorination. The mere ability to modify a disclosure or to combine two disclosures does not, in and of itself, establish obviousness. See, e.g., *In re Laskowski*, 10 USPQ2d 1397 (Fed. Cir. 1989). Instead, there must be shown some motivation that would lead one of ordinary skill in the art to make the asserted modification. In the instant case, no rationale is presented as to why one would look to a process suitable for de-chlorination for modifying the process of US '966.

In view of the above remarks, it is respectfully submitted that US '966, taken alone or in combination with WO '032, fails to render obvious applicants' claimed invention. Withdrawal of the rejection under 35 U.S.C. §103 is respectfully requested.

The Commissioner is hereby authorized to charge any fees associated with this response or credit any overpayment to Deposit Account No. 13-3402.

Respectfully submitted,



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